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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

MICHAEL G. SCHWERN,

Plaintiff,

v.

PATRICK PLUNKETT,
Personal Representative of
the Estate of Nóirín Plunkett,

Defendant.

Case No. 3:14-CV-00146-PK

**PLAINTIFF'S SECOND UNOPPOSED
MOTION TO CONTINUE ORAL
ARGUMENT**

Plaintiff Michael G. Schwern, through counsel, respectfully moves the Court for an order continuing the January 9, 2017 oral argument on Patrick Plunkett's motion for relief under Fed. R. Civ. P. 60(1)(1) and motion to dismiss. Mr. Plunkett's counsel has stated that he does not oppose this motion. The United States Court of Appeals for the Ninth Circuit heard oral argument on Mr. Plunkett's appeal of this Court's denial of Nóirín Plunkett's special motion to strike on November 9, 2016. The Court of Appeals has not yet rendered a decision on the appeal.

Because an appellate decision favorable to Mr. Plunkett would likely moot the motions pending in this Court, and to reduce costs for all concerned, plaintiff and Mr. Plunkett agree that it would be best if this Court continued the oral argument for a minimum of two additional months.

Accordingly, the Court should grant this motion and continue the argument.

RESPECTFULLY SUBMITTED January 5, 2017.

/s/ Bear Wilner-Nugent

Bear Wilner-Nugent, OSB #044549
Attorney for Plaintiff